



**Australian
Competition &
Consumer
Commission**

Our Ref: C2008/1626
Contact Officer: Sharon Clancy
Contact Phone: (02) 6243 1217

GPO Box 3131
Canberra ACT 2601
23 Marcus Clarke Street
Canberra ACT 2601
tel: (02) 6243 1111
fax: (02) 6243 1199
www.accc.gov.au

26 March 2009

Mr Charles Massy
Associate
Hall Payne Lawyers
GPO Box 3114
Brisbane QLD 4001

Via email: charlesm@hallpayne.com.au

Dear Mr Massy

Application for authorisation A91103 lodged by CFMEU Qld - determination

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the application for authorisation lodged by Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland (CFMEU Qld) on 6 October 2008.

A copy of the ACCC's determination is attached, including a summary of its reasons.

For the reasons set out in its determination, the ACCC has decided to grant authorisation, for a period of five years, to application A91103 on condition that:

- CFMEU Qld will, on an annual basis, provide the ACCC with a public report setting out:
 - the maximum number of participating owner drivers during the reporting period
 - details of any collective bargaining group formed during the reporting period and particularly:
 - the number of owner drivers in the group
 - the target of the collective negotiation
- the outcome of the collective negotiation, including where unsuccessful.

The first report is due on 15 October 2009.

Application for review

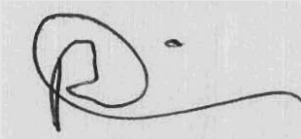
Pursuant to section 101 of the *Trade Practices Act 1974*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 16 April 2009. If no application to review is lodged by this date, the ACCC's determination will come into force on 17 April 2009.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Sharon Clancy on (02) 6243 1217.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', with a long horizontal flourish extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch